IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4039 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NAVINCHANDRA MANILAL SHAH - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

MR RAMKRISHNA B DAVE for Petitioner(s) : 1,
NOTICE SERVED for Respondent(s) : 1,
Mr. Dipen Desai, Asst. GOVERNMENT PLEADER for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 03/05/2007
ORAL JUDGMENT

In this petition under Article 226 of the Constitution of India the petitioner has challenged the order of suspension dated 27.5.1997. It is

required to be noted that pursuant to the interim order passed by this Court the order of suspension was stayed by this Court.

2. Today when the matter is called out, Shri Dipen Desai, learned AGP has submitted that during the pendency of the present Special Civil Application departmental enquiry was initiated against the petitioner; the petitioner has retired; and penalty of withholding of Rs. 500 from the pension for a period of one year has been imposed by order dated 3rd April 2002. Under the circumstances and more particularly when the petitioner has already retired on attaining age of superannuation and that further penalty was imposed on conclusion of departmental enquiry, the present Special Civil Application is required to be disposed of as having become infructuous. It is accordingly disposed of. Rule is discharged. No costs.

[M.R. Shah, J.]

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